

1 **UNITED STATES DISTRICT COURT**2 **DISTRICT OF NEVADA**

3 C.M. BUSTO,

Case No.: 3:21-cv-00137-MMD -WGC

4 Plaintiff

Report & Recommendation of
United States Magistrate Judge

5 v.

6 UNITED STATES OF AMERICA,

7 Defendant

8

9 This Report and Recommendation is made to the Honorable Miranda M. Du, United
10 States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28
11 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

12 Plaintiff, a pro se prisoner, has filed a Motion for Sentence Reduction under 18 U.S.C. §
13 3582(c)(1)(A) (compassionate release). (ECF No. 1-1.) He also requests the appointment of
14 counsel. (ECF No. 1-1 at 6.)

15 Preliminarily, Bustos has not been sentenced by this court. If he seeks a reduction in
16 sentence pursuant to 18 U.S.C. § 3582(c)(1), he must file his motion in the court and criminal
17 case in which he was sentenced.

18 Moreover, a review of Plaintiff's initiating documents reveals non-sensical, fantastical
19 statements that do not appear to have any basis in law or fact.

20 For these reasons, it is recommended that the District Judge enter an order **DISMISSING**
21 this action **WITH PREJUDICE**.

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1 Plaintiff should be aware of the following:

2 1. That he may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to
3 this Report and Recommendation within fourteen days of being served with a copy of the Report
4 and Recommendation. These objections should be titled “Objections to Magistrate Judge’s
5 Report and Recommendation” and should be accompanied by points and authorities for
6 consideration by the district judge.

7 2. That this Report and Recommendation is not an appealable order and that any notice of
8 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed
9 until entry of judgment by the district court.

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11 Dated: March 29, 2021

12 
13 William G. Cobb
United States Magistrate Judge